

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: )  
)  
'318 PATENT INFRINGEMENT LITIGATION ) C.A. No. 05-356 (KAJ)  
) (consolidated)  
)

**DEFENDANTS' UNOPPOSED MOTION TO AMEND THE REVISED SCHEDULING  
ORDER AS TO EXPERT DISCOVERY ONLY**

Defendants have requested an extension related to expert discovery only, and because Plaintiffs have consented to that request, Defendants hereby move to amend the Revised Scheduling Order in this matter as to expert discovery only for the reasons stated below:

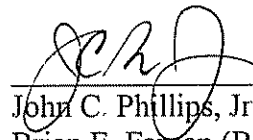
1. On January 12, 2006, this Court entered a Revised Scheduling Order.
2. On February 8, 2006, this Court further amended the Revised Scheduling Order to extend the date for amendments to the pleadings.
3. Under the January 12, 2006 Revised Scheduling Order, opening expert reports are due July 14, 2006, response expert reports are due August 28, 2006, and rebuttal expert reports are due September 18, 2006. Furthermore, all expert discovery is to be completed by October 27, 2006.
4. Defendants need additional time to properly conduct and conclude their expert discovery and, as a consequence, have proposed and Plaintiffs have consented to the extension of expert discovery deadlines as follows:
  - a. Opening expert reports will be due by July 28, 2006;
  - b. Response expert reports will be due by September 11, 2006;
  - c. Rebuttal expert reports will be due by October 2, 2006; and,
  - d. Expert discovery will be completed by November 10, 2006.

5. Defendants do not propose, and Plaintiffs have not consented, that any other dates in the Revised Scheduling Order be amended, and Defendants further represent that the requested extension for expert discovery will not affect the briefing schedule on case dispositive motions or claim construction briefing.

WHEREFORE, the Defendants respectfully request that the Revised Scheduling Order of January 12, 2006 be amended so as to permit expert discovery to proceed as set forth in paragraph 4 above.

Respectfully submitted,

PHILLIPS GOLDMAN & SPENCE, P.A.



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On Behalf of All Defendants

Date: July 14, 2006